

Application No. 10/802,891
Amendment Filed December 7, 2006
Reply to Office Action of September 20, 2006

Docket No.: NY-HUBR 1067-DIV-US4

REMARKS

Claims 27-30 are pending. Claims 27 and 28 have been amended in a way to address the rejection of these claims, under 35 U.S.C. § 112, as set forth at pages 2-3 of the Office Action.

The Examiner has also rejected all of the claims as allegedly being obvious over the combination of Vallari, et al., in view of Takei, et al.

Applicants have studied the rejection carefully, and traverse.

The Vallari reference deals with analysis of serological markers, from post transfusion HCV infection patients. The reference teaches, at page 555, second paragraph, line 11 et. seq., that the earliest responses were detected when the core antigen was used. It is true that NS3 was also tested; however, to the extent that the reference teaches the use of NS3, no suggestion is presented that an earlier determination of seroconversion could be achieved by using reducing conditions, in an NS3 based assay.

While the Takei et al. reference teaches determining NS3 specific antibodies in a reducing buffer, there is no suggestion that the assay could be adopted for determining seroconversion.

Seroconversion is a rather unusual phenomena, as is evidenced by the attached copy of a declaration* by one of the co-inventors, submitted in a prior application in this series. Attention is drawn, in particular to points 6, 7, 8, and 10, which are relevant to the present rejection. Point 8 cites to references, already of record, showing differences in seroconversion antibodies, as compared to those antibodies found in a later stage of an infection.

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In view of the foregoing, withdrawal of the rejection, and allowance of this application are believed proper and urged.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-HUBR 1067-DIV-US4 (10403549) from which the undersigned is authorized to draw.

Dated: December 7, 2006

Respectfully submitted,

By 

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Attachment: Declaration

A signed copy is of record in the 09/896,032 application and will be provided if requested.

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